



**B. Even If Strict Scrutiny Does Not Apply, The Advertising Policy Is Unconstitutional.**

- 1. The policy is not reasonable.**
- 2. The policy is not viewpoint neutral.**

**C. The Advertising Policy Is Unconstitutionally Vague.**

**D. The Advertising Policy Is Unconstitutionally Overbroad.**

**II. THE CITY OF PHILADELPHIA'S AIRPORT ADVERTISING POLICY VIOLATES ARTICLE I OF THE PENNSYLVANIA CONSTITUTION.**

**A. For the reasons stated above, the policy also violates Article I of the Pennsylvania Constitution.**

There is no genuine dispute as to any material fact, and Plaintiff is entitled to judgment as a matter of law. Consistent with Federal Rule of Civil Procedure 11, Plaintiff affirms that it has a legally sufficient evidentiary basis for this motion. Plaintiff affirms, on information and belief, that Defendant City of Philadelphia has no legally sufficient evidentiary basis to rebut the issues and sub-issues outlined above.

Accordingly, Plaintiff requests judgment on all counts.

Dated: November 1, 2013

Respectfully,

s/ Fred T. Magaziner

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**CERTIFICATE OF SERVICE**

I certify that I electronically filed this document via the Court's CM/ECF system and electronically served it upon all counsel of record.

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